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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,245	10/30/2003	Kuntal Chowdhury	16149RR	2310
33000	7590	05/08/2009		
DOCKET CLERK			EXAMINER	
P.O. DRAWER 800889			TRAN, CONGVAN	
DALLAS, TX 75380				
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			05/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,245

Applicant(s)

CHOWDHURY ET AL.

Examiner

CongVan Tran

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21-28 is/are rejected.
- 7) ☐ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 16, 2009 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, 10 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Flinck (7,366,145).

Regarding claims 1, and 21-24, Flinck discloses a fast recovery from unusable home server comprising: receiving registration information (see abstract, figure mobile node MN, home agent HA, col.3, lines 10-20); executing a self-selection method on an apparatus in response to receiving the registration information, the self-selection method enabling the apparatus to select itself as a home agent (see abstract, figure

mobile node MN, home agent HA, col.3, lines 21-30); and responding to the registration information in response to performing the self-selecting (see abstract, figure mobile node MN, home agent HA, col.3, lines 21-37).

Regarding claim 7, Flinck further discloses the performing a round robin algorithm (see col.1, line 58-col.2, line 5).

Regarding claim 10, Flinck wherein load balancing is performed in response to performing the method of registering a mobile node (see col.2, lines 21-47).

4. Claims 13, 16, and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Patel (7,475,241).

Regarding claims 13, 16, and 25-28, Patel discloses methods and apparatus for dynamic key generation and rekeying in mobile IP, comprising receiving registration information at a home agent (see figs.1-3, step 304); generating a value that falls within a range of numbers in response to receiving the registration information (see figs.1-3, step 306-312); comparing the value to a predefined range of numbers in response to generating the value (see figs.1-3, step 314); and if the value falls within the predefined range of numbers, responding to the registration information (see figs.1-3, step 316).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6, 8-9, 11-12, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flinck (7,366,145) in view of Patel (7,475,241).

Regarding claim 3, Flinck discloses all the subject matters except for the registration information comprising timestamp information. However, Patel discloses methods and apparatus for dynamic key generation and rekeying in mobile IP wherein registration information comprises timestamp information (see fig.4, element 416). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Patel's timestamp in Flinck's invention to indicate a maximum time during the registration request.

Regarding claim 2, Patel the registration information is RFC 3422 compliant information. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use difference protocol such as RFC 3244 to improve the use of different protocol.

Regarding claim 4, Patel further discloses the registration information comprises network access identifier information (see fig.10A, element 1004).

Regarding claim 5, Patel further discloses the registration information comprises mobile address information (see col.2, lines 28-37).

Regarding claim 6, Patel further discloses comprises performing a perfect hashing algorithm (see fig.3, col.2, lines 28-37).

Regarding claim 8, Patel further performing a hashing algorithm except for performing a round robin algorithm and Pearson algorithm. However, a round robin algorithm and Pearson algorithm are well known use to select one application node.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these specified algorithms to improve the use of selection in a wireless data network.

Regarding claim 9, and 14, Patel further generating a value (see fig.3, step 306); determining that the value is within a range of numbers (see fig.3, steps 308-310); and performing responding to the registration information in response to determining that the value is within the range of numbers (see fig.3, steps 308-310).

Regarding claim 11, Patel further generating a value that falls within a range of numbers (see fig.3, step 306-310); comparing the value to a predefined range of numbers value (see fig.3, step 314); and if the value falls within the predefined range of numbers responding to the registration information (see fig.3, step 316).

Regarding claims 12 and 15, Patel further discloses value is randomly generated (see col.8, lines 66-col.9, line 10).

Regarding claim 17, it is inherent for secondary bin for second HA.

Allowable Subject Matter

7. Claims 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CongVan Tran/
Primary Examiner, Art Unit 2617